

TEWKSBURY Board of Health

Minutes

April 4, 2013

TOWN CLERK
TRACY
MAY 13 2013
BOARD OF HEALTH
TEWKSBURY, MA
1:17 PM

Call of Meeting to Order

MOTION - Ms. Kinnon made a motion to call the meeting to order at 7:00 PM. The motion was seconded by Ms. Brothers and unanimously voted 5-0.

The meeting was held at the Town Hall Auditorium. Present at the meeting were, Chairman Phillip French, Vice Chairman Charles Roux, Christine Kinnon, Kathleen Brothers, Joseph Knight and Health Director Lou-Ann Clement.

Old Business

Review of Animal Permit under Tewksbury Board of Health Regulations for Keeping Animals Located at 175 Kendall Road, Tewksbury

Michele and Giuseppina Saladino appeared for the review of animals at 175 Kendall Road. Ms. Clement stated that there have been two reports filed. One is from the Animal Inspector and it deals with the review of the animals and the other addresses the condition of the property. The Animal Inspector's report states that the animals appear to be healthy and the number of rabbits on site has decreased. Ms. Clement stated that the owner has addressed some of the concerns on the site but there is still more to do.

Mr. Saladino was speaking but not into the microphone, could not hear.

Mr. French stated that he understands that we had a bad winter but now that spring is here the cleanup should start again. Mr. Roux agreed, this is a residential area and the property should be cleaned up.

Ms. Clement replied that she believes that they said they were going to reduce the numbers. They have onsite now four females, one male and twelve babies. The numbers have been cut back. Ms. Clement suggested that the Saladino's apply for their annual animal permit and they won't need to come back unless there is a problem. Ms. Clement stated that as far as the yard is concerned, she wants to see the entire yard cleaned up within six weeks including picking up the piles of pipes. Then this case will be closed.

Mr. French stated that there has been a lot of progress on this property and once the rest of the yard is cleaned up the case will be closed. Mr. French told the Saladino's that they needed to apply for the permit to keep the animals.

Medical Marijuana Update

Mr. French stated that there has been a lot of information given out. Ms. Clement stated that she presented the Board with the draft regulations from DPH. They are very lengthy and have closed a lot of gaps. She still has questions but they are minor. On April 10th, DPH is presenting the regulations to the Health Committee. On April 19th, DPH will hold a public hearing and written comments will be accepted through April 20th. Ms. Clement stated that if the Board has any questions, let her know and she will get them submitted. Ms. Clement stated that she is looking for direction from the Board on what the next step is.

Ms. Kinnon stated that there is a lot of reading material and she agrees that the regulations have been tightened up the language. She is still in favor of the Town's zoning moratorium. Ms. Clement stated that it looks like the State will be regulating Personal Care Givers. There is also a hardship clause with a right to cultivate your own crop. Ms. Clement stated that there are still safety concerns and concerns with mold issues if cultivated inside. Ms. Clement added that the public hearing for the Town's moratorium article is April 8th at 7:00 PM at Town Hall.

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Ms. Brothers stated there is a conflict with life limiting illness. On page 4, it talks about death within six months but elsewhere in the regulations it references five years. Ms. Clement stated that she will investigate this further. Ms. Clement stated that if there are any other questions, please email or call her.

Proposed Grease Regulations

Ms. Clement stated that all proposed changes have been incorporated and the legal notice has been provided as well as a draft letter to the restaurants. She would like the ok to send the letters out and put the regulations on the website.

Mr. French stated that he has no problem with sending out post cards to the restaurants and posting the regulations on the website. Mr. Roux agreed. Ms. Clement stated that she will remove all the red marks and post the regulations on the web.

Proposed Dumpster Regulations

Ms. Clement stated the regulations are finally in the final draft format. All changes from the last meeting have been incorporated and if there are no other questions, she would like to clean it up and send the draft regulations to the Town Manager, Community Development Director, and Town Counsel.

Ms. Brothers stated that on page 2, under the plans section it references Health Department or Board of Health but in Section 7.4 it references the Board. This should be standardized. Ms. Clement agreed and said she would clean it up. Ms. Brothers stated that in Section 7.6.5.1 it allows medical waste to go into the dumpster. Ms. Clement stated that they would have a separate dumpster.

Mr. Roux asked if there is a required setback away from the building. He has concerns about fire with a dumpster close to the building. Ms. Clement stated that she would ask the Fire Department if they have an issue with the location.

Mr. French asked when these regulations would be sent out. Ms. Clement replied that once she gets the questions answered she will send them out to the Town Manager and Director of Community Development for review before sending it to Town Counsel.

Ms. Brothers asked if fees should be connected to the penalty section. Ms. Clement replied no, they should be separate sections.

Ms. Kinnon asked if the date will change in Section 7.2. Ms. Clement replied that the effective date will change once these regulations are adopted and a revision date will be added.

New Business

Annual Renewal of Animal Inspectors Nominations

Ms. Clement stated that the State DAR requires that Animal Inspectors be nominated.

MOTION - Ms. Kinnon made a motion to recommend nomination of Pamela Thomas, Dean Treachis and Lou-Ann Clement as Animal Inspectors. The motion was seconded by Mr. Roux and unanimously voted 4-0. Ms. Brothers abstained from voting due to the fact that Ms. Thomas is her relative.

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Review of Revised Public Health Nurse Job Description

Ms. Clement stated that she has surveyed the neighboring communities and there are some changes to the nurses' job description. The new description allows for the opportunity for this position to become full-time. The current nurse does not know MAVEN and that is a State requirement that we have to start implementing. The list of job duties is longer.

Mr. French asked if a part-time nurse can fulfill all these duties. Ms. Clement replied these duties are basically what is done now. Ms. Desmond has an open door policy that takes up a lot of her time. She does not know if that policy will continue with the new nurse. Mr. French stated that if the State mandates all these items we should have enough justification to request a full-time nurse. Ms. Clement stated that not all the items are mandated, some are activities. The nurse has the medical background needed for some of the activities. We need someone with a medical background in case of an outbreak. Mr. French asked when the job will be posted. Ms. Clement replied as soon as the description is ready. They hope to fill the position by the end of May. The applicants will be interviewed by herself, the Town Manager and the Director of Community Development.

Mr. Roux stated that during the budget review process, he asked if the budget for the nurse could be shared between the Board of Health and the Senior Center because of the amount of time spent with the seniors. Ms. Clement stated that the funding was level funded for this year but we could look at this option in the future.

Mr. Knight stated that in qualification #2, "BSN" preferred seems like that is a duplicate. Mr. Knight also added that qualification #11 should be changed to "annual health fair". Ms. Clement stated that she will make those changes.

Ms. Kinnon stated that one of the requirements should be that the nurse is knowledgeable in the HIPPA laws. Ms. Clement replied she will add that also.

Tobacco Control – Compliance Check Ticketing Protocol

Ms. Clement stated that she wanted to update the Board of tobacco control. The Mass Tobacco Control program put out a protocol that during compliance checks the supervisors do not go into the store after a violation occurs. That is not the protocol we use. If there is violation, our coordinators go into the store and discuss with the manager what happened and identifies the clerk. The coalition is sending a letter to the State that says we are staying with our protocol. The goal of the program is to educate and this is another way to continue the program's goal. Ms. Clement stated that the State thinks that the teenagers could be in danger but that is not the case. The coordinators are right outside the store and the teenagers are always the first concern.

Approval of Minutes – February 7, 2013

Ms. Clement stated that there were a few clerical fixes with the minutes. On page 1, the motion to open the meeting was seconded by Ms. Brothers, not Ms. Kinnon. Under the discussion on Medical Marijuana, the Law Group of Belati was spelled wrong and under Announcements, paragraph 5, "loose" should be "lose". These corrections have been made.

MOTION - Ms. Brothers made a motion to approve the Board of Health minutes of February 7, 2013 as amended. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Board Member Reports

There were no Board member reports.

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Other Business

There was no other business.

Announcements

Ms. Clement stated that Ms. Brothers, Mr. Roux and Mr. Knight need to take the NIMS 700 and ICS 100 courses online for the BT coordinator. Ms. Kinnon stated that when she took them, they were very foreign to her but she learned a lot of the terminology used.

Ms. Clement stated that the Take Back Initiative will be held on April 27, 2013 from 10:00 AM to 2:00 PM at the police station. There should be no identification, no liquids or sharps.

Ms. Clement stated that the Police Department will be hosting the 2nd Annual Police Academy starting on April 24th until June 19th from 7:00 to 9:00 PM. The Police will also be hosting along with the Rails and Trail group a bicycle rodeo at Wal-Mart on May 4th from 10:00 AM to 1:00 PM.

Ms. Clement stated that the Rails and Trail group will be coming to the next meeting.

Ms. Clement stated that Learn to Cope will be holding meetings on Tuesdays from 7:00 to 8:30 PM at the High School.

Ms. Clement stated that Earth Day will be held on April 20th from 10:00 AM to 2:00 PM on the Town Common.

Ms. Clement stated that the Annual Health Fair will be on May 1st from 3:00 to 7:00 at the Senior Center. Mr. French stated that the Blair House will be providing a bus to shuttle people from an off-site parking area.

Ms. Brothers stated that Saturday is voting day and encouraged people to vote.

MOTION - Ms. Brothers made a motion to close the meeting and adjourn at 8:05 PM. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Approved: 
Raymond Barry, Clerk

TOWN CLERK
BOARD OF REGISTRARS
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TEWKSBURY BOARD OF HEALTH MEETING

List of Documents for April 4, 2013

Documents can be located at the Board of Health's Office

Meeting Called To Order:

Old Business:

Reminder Letter to Michele and Giuseppina Saladino dated 3/13/13
DPH Press release regarding Medical marijuana Draft Regulations
Medical Marijauna Draft Regulations
Proposed Grease Trap Draft Regulations
Post card for Noticicfaction of Grease Trap Regualtions Public Hearing
Legal Notice for Publoic Hearing
Proposed Dumpster Regulations

New Business

Nomination fo Animal Inspectors notice
Draft of Public Health Nurse job Description
Infomration about Tobacco Control Cimpliance Checks Protocol

Approval of Minutes:

7-Feb-13

Other Business:

Announcements:

2013 National Take Back Initiative.4/27/13 Flyer

Adjourn:

COMMONWEALTH OF MASSACHUSETTS
TEWKSBURY BOARD OF HEALTH
Tewksbury, Massachusetts

NOTICE OF DECISION

RE: Review Hearing for Tewksbury Board of Health
Tewksbury Board of Health Regulations for Keeping Animals
Section 5.0 Permit
Located: 175 Kendall Road, Tewksbury MA

13 JUL 22 AM 11:45
CLERK OF BOARD OF HEALTH
TEWKSBURY, MASSACHUSETTS

The Tewksbury Board of Health (TBOH) at a noticed review meeting voted on April 4, 2013 to approve the requested permit to keep animals on the property known as 175 Kendall Road, Tewksbury, Massachusetts.

I. History of the Case

On February 8, 2012, the Tewksbury Board of Health Office received an application to keep animals under Tewksbury Board of Health Regulations for Keeping Animals located on the premises at 175 Kendall Road, Tewksbury, Massachusetts.

On March 15, 2012, a public hearing was held, and TBOH granted Mr. Michele and Mrs. Giuseppina Saladino a temporary permit to keep up to 20 chickens, up to 20 pigeons, and up to 16 adult rabbits on the property with the following conditions: (1) replacement of the tarps with roofing material; (2) digging down a bit of the flooring in the rabbit house and adding some crushed stone dust and/or gravel; (3) rabbit pregnancies are to be staggered and (4) clean-up of property, and to review this Temporary Permit on September 20, 2012.

On September 20, 2012 the TBOH review was held and TBOH granted Mr. Michele and Mrs. Giuseppina Saladino a temporary permit to keep up to 40 chicken/game/fowl; 15 adult rabbits with staggered pregnancies; tighten up the roof tarp and rubber roof; and to clean up the property, and to review this Temporary Permit on March 21, 2013.

II. Summary of Hearing Procedure

The TBOH opened the review in the Auditorium of the Town Hall on Thursday, April 4, 2013 at 7:00 P.M.

At this Review, the TBOH unanimously voted to grant a permanent permit with the following conditions: (1) up to 40 chicken/game/fowl; (2a) up to 15 adult rabbits; (2b) with staggered pregnancies; (3) finish cleaning the yard of various items.

A quorum was met throughout the process and thereafter, the TBOH by unanimous vote of 5-0 approved the temporary permit with the following conditions: (1) up to 40 chicken/game/fowl; (2a) up to 15 adult rabbits; (2b) with staggered pregnancies; (3) tighten tarp and rubber roof; (4) complete cleaning the yard of various items. The TBOH closed the Review as set forth below.

III. Finding of Facts

On April 4, 2013, the Tewksbury Board of Health found that the approval of this permit, with its conditions, does not create an imminent Public Health Hazard.

IV. Decision

The TBOH, therefore, grants a Permit with the following conditions: (1) up to 40 chicken/game/fowl; (2a) up to 15 adult rabbits; (2b) with staggered pregnancies; (3) complete cleaning the yard of various items on the property known as 175 Kendall Road, Tewksbury Massachusetts.

FOR THE TEWKSBURY BOARD OF HEALTH


By Philip French, Chairman

COMMONWEALTH OF MASSACHUSETTS
TEWKSBURY BOARD OF HEALTH
Tewksbury, Massachusetts

NOTICE OF DECISION

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FOR THE TEWKSBURY BOARD OF HEALTH


By Philip French, Chairman